

Remarks

This Amendment is responsive to the Office Action mailed March 9, 2005. The Applicant has amended the claims solely to obviate the improper final rejections. These amendments are proper, do not include new matter, more particularly point out and distinctly claim the patentable subject matter of the embodiments of the present invention, are not narrowing in view of a bona fide prior art rejection, do not require the Examiner to perform additional searching, and place all claims in condition for allowance.

Rejection Under 35 USC 103

With all due respect, the final rejection of claims 1 and 26 are without basis in the law. It is most regrettable, and to the Applicant's harm, that the Examiner decided not to grant an interview before further action on the merits as requested in the Request for Interview (in the previous Amendment). Clearly, the interview was necessary in order to achieve a meaningful discussion about the meaning of the claim term "marker impurity."

Reiterating from the previous Amendment, the cited references are wholly silent regarding the use of the claimed *marker impurity* in independent claims 1 and 26. The Examiner has not only improperly imported limitations from the specification to obliterate the plain meaning of the term *marker impurity*, but has further done so based on a misplaced reading of the passage relied on. As stated in the previous Amendment, the passage from the specification relied on by the Examiner reads as follows: "any material not used in manufacturing components of the device should be assumed to meet this condition" (pg. 5, lines 20-21). A plain reading of that passage in its context clearly reveals that "meet this condition" refers to that being defined by the paragraph, that the material is "substantially

absent." The Examiner's use of that phrase as contemplating what is a *marker impurity* is simply a misplaced reading of the passage and the entire written description.

Nonetheless, the Applicant has amended claims 1 and 26 to obviate the final rejection. The amendment to claim 1 places objected-to claim 3 in independent form. The amendment to claim 26 places objected-to claim 29 in independent form. Accordingly, the Applicant requests reconsideration and withdrawal of the rejection of independent claims 1 and 26 and the claims depending therefrom.

Allowed Claims

The Applicant gratefully acknowledges the allowance of claims 31-34.

Conclusion

This is a complete response to the Office Action mailed March 9, 2005. The Applicant respectfully requests that the Examiner enter the above amendments, reconsider the application and allow all of the pending claims. The Examiner is invited to contact the below signed Attorney should any questions arise concerning this response.

Respectfully submitted,

By: 

Mitchell K. McCarthy, Registration No. 38,794
Randall K. McCarthy, Registration No. 39,297
Fellers, Snider, Blankenship, Bailey and Tippens
100 N. Broadway, Suite 1700
Oklahoma City, Oklahoma 73102
Telephone: (405) 232-0621
Facsimile: (405) 232-9659
Customer No. 33900